

Joint Standing Committee on Marine Resources

LD 1697

An Act Regarding the Appointment of Harbor Masters

PUBLIC 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ	S-447
HAMPER	OTP-AM MIN	

LD 1697 proposed to remove the requirement that municipal officers appoint a harbor master at the request of a single person.

Committee Amendment "A" (S-447) proposed to correct an incomplete cross reference and would clarify that:

1. Appointment of a harbor master by municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters is discretionary;
2. Municipal authorities may set the compensation for harbor masters appointed under the Maine Revised Statutes, Title 12 which is consistent with harbor master provisions under Title 38;
3. An inland harbor master may not make arrests or carry a firearm unless that harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I; and
4. Regulation of moorings in inland waters is governed by the provisions of Title 38; the provision in Title 12 referencing the applicability of Title 38 to moorings in inland waters does not limit or expand a municipality's ability to regulate moorings as currently provided in law.

Committee Amendment "B" (S-448) proposed to require the municipal officers of a town bordering inland waters, on request by any person desiring mooring privileges or regulation of mooring privileges for watercraft, to appoint a harbor master.

Enacted law summary

Public Law 2005, chapter 492 provides that:

1. The appointment of a harbor master by municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters is discretionary;
2. Municipal authorities may set the compensation for harbor masters appointed under the Maine Revised Statutes, Title 12 which is consistent with harbor master provisions under Title 38;
3. An inland harbor master may not make arrests or carry a firearm unless that harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I; and
4. Regulation of moorings in inland waters is governed by the provisions of Title 38; the provision in Title 12 referencing the applicability of Title 38 to moorings in inland waters does not limit or expand a municipality's ability to regulate moorings as currently provided in law.

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LD 1764

An Act To Amend the Statutes Governing the Commercial Fishing Safety Council

PUBLIC 505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ	S-467
PERCY	ONTP MIN	

LD 1764 proposed to make several changes to the Commercial Fishing Safety Council as requested by that council. It would also give the Commissioner of Marine Resources the authority to initiate rulemaking in order to adopt commercial fishing vessel safety regulations that have been proposed to the department by the safety council.

Committee Amendment "A" (S-467) proposed to clarify language regarding the contents of the commercial fishing safety plan and would require the Commissioner of Marine Resources and the Commercial Fishing Safety Council to jointly report to the Joint Standing Committee on Marine Resources by January 2, 2007 regarding any rule-making activity conducted pursuant to the Maine Revised Statutes, Title 12, section 6176.

Enacted law summary

Public Law 2005, chapter 505 makes the following changes to the Commercial Fishing Safety Council:

1. It changes the person responsible for making appointments to the council from the Governor to the Commissioner of Marine Resources;
2. It removes the requirement that 5 members of the council represent different commercial marine harvesting sectors to allow the appointment of more than one council member from the same sector;
3. It requires the Commercial Fishing Safety Council submit a commercial safety fishing plan to the Commissioner of Marine Resources by October 1st of each year and authorizes the commissioner to adopt commercial fishing safety rules recommended by the council.. Prior to Public Law 2005, chapter 505, the Commissioner of Marine Resources was required to submit such a plan to the Commercial Fishing Safety Council; and
4. It requires the Commissioner of Marine Resources and the Commercial Fishing Safety Council to jointly report to the Joint Standing Committee on Marine Resources by January 2, 2007 regarding any rule making activities pursuant to the Maine Revised Statutes, Title 12, section 6176.

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LD 1786

An Act to Allow Dragging in Lower Taunton Bay

**PUBLIC 466
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP	

LD 1786 proposed to allow dragging in the Taunton River area north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County. It also proposed to repeal this law on July 1, 2008.

Enacted law summary

Public Law 2005, chapter 466 allows dragging in the Taunton River area north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County. Public Law 2005, chapter 466 is repealed on July 1, 2008.

Public Law 2005, chapter 466 was enacted as an emergency measure effective February 2, 2006.

LD 1828

An Act To Improve Water Monitoring at Clam Flats

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EMERY RAYE	OTP-AM MAJ OTP-AM MIN	H-784

LD 1828 proposed to establish an additional Marine Resource Scientist I position that would be used for water monitoring purposes in Washington County.

Committee Amendment "A" (H-784) proposed to appropriate funds for the Public Health Division's Growing Area Classification Program and for the Biotoxin Monitoring Program to establish seven seasonal Conservation Aide positions and to provide necessary operational costs.

Committee Amendment "B" (H-785) proposed to appropriate funds for overtime costs within the Department of Marine Resources associated with monitoring water quality.

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LD 1961

An Act To Create a Tiered Wholesale Seafood Dealer's License

**PUBLIC 508
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-802
	ONTP MIN	

LD 1961 proposed to establish a tiered wholesale seafood dealer's license as required by Public Law 2005, chapter 434, section 14 by creating a limited wholesale shellfish harvester's license, which would allow a person holding a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee.

Committee Amendment "A" (H-802) proposed to allow the holder of a limited wholesale shellfish harvester's license to sell, ship or transport that licensee's shellfish within and beyond the state limits and would set the fee at \$100.

Enacted law summary

Public Law 2005, chapter 508 establishes a tiered wholesale seafood dealer's license by creating a limited wholesale shellfish harvester's license which allows a person holding this license and a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee. It allows the licensee to, within or beyond the state limits, sell ship or transport in the wholesale trade the shellfish the licensee has harvested and sets the annual fee for the license at \$100.

Public Law 2005, chapter 508 was enacted as an emergency measure effective March 24, 2006.

LD 2020

An Act Relating to Elver Fishing

**PUBLIC 533
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-847
	ONTP MIN	
	OTP-AM MIN	

LD 2020 proposed to reduce the number of elver fishing licenses that the Department of Marine Resources could issue for the 2006 season and would require the Commissioner of Marine Resources to establish by rule the total number of elver fishing licenses for subsequent years. It would also change the open season for elver fishing by moving it 2 weeks later in the calendar year.

Committee Amendment "A" (H-847) proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would also require an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Committee Amendment "B" (H-848) proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would establish a lottery system to issue elver

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fishing licenses that were not renewed in 2007 or subsequent years to other eligible persons. It proposed to require elver dealers to report the total harvest of elvers they received to the Department of Marine Resources within 30 days of the close of the elver fishing season. Additionally, this amendment proposed to change the open season for elver fishing by moving it one week later in the calendar year and prohibits the setting of a fyke net within 15 feet of another fyke net.

Enacted law summary

Public Law 2005, chapter 533 provides that only those who held an elver fishing license in 2006 are eligible to obtain an elver fishing license in subsequent years. It also requires an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Public Law 2005, chapter 533 was enacted as an emergency measure effective April 4, 2006.

LD 2049

An Act To Amend the Laws Regarding Aquaculture Leases

**PUBLIC 535
EMERGENCY**

Sponsor(s)
PERCY

Committee Report
OTP-AM

Amendments Adopted
H-880

MAR

LD 2049 proposes to do the following:

1. Delete the 12-month minimum fallow time so that fallows may be of any duration;
2. Create a requirement for a reassessment schedule for a fallowing plan instead of an automatic annual reassessment; and
3. Amend the definition of "fallow" to allow gear at the lease site.

Committee Amendment "A" (H-880) proposed to do the following:

1. Increase the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;
2. Authorize the Commissioner of Marine Resources to extend the 500-acre limit by rule but would limit the total acreage to 1,500 acres per person;
3. Delete the 12-month minimum fallowing time so that fallows may be of any duration;
4. Give the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Under current law a person may be authorized to have up to 500 acres in aquaculture as long as at least 200 acres are fallowed and that person submits a fallowing plan to the Commissioner of Marine Resources;

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5. Amend the definition of "fallow" to allow gear at the lease site; and
6. Add emergency language to make the bill effective upon enactment.

Enacted law summary

Public Law 2005, chapter 535 does the following:

1. It increases the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;
2. It authorizes the Commissioner of Marine Resources to extend the 500-acre limit by rule but limits the total acreage to 1,500 acres per person;
3. It deletes the 12-month minimum fallowing time so that fallows may be of any duration;
4. It gives the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Prior to Public Law 2005, chapter 535, a person could be authorized to have up to 500 acres in aquaculture as long as at least 200 acres were fallowed and that person submitted a fallowing plan to the Commissioner of Marine Resources; and
5. It redefines "fallow" to allow gear at the lease site.

Public Law 2005, chapter 535 was enacted as an emergency measure effective April 4, 2006.

LD 2054

An Act To Establish Harbor Master Training Requirements

PUBLIC 525

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2054 was reported out as a committee bill pursuant to H.P. 1190 and would require a person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 by a municipality that borders territorial waters to complete a basic harbor master training course within one year after being appointed or reappointed, unless that person had already completed such a course. It would also provide that the training requirement of a harbor master or deputy harbor master would be paid for by the person receiving that training but would also allow the municipality, at its discretion, to reimburse that person for those costs. This bill proposed to clarify that a municipality would retain the authority to require a harbor master or a deputy harbor master appointed by that town to obtain training in addition to the training required by this bill.

House Amendment "A" (H-834) proposed to exempt harbor masters serving in that position on August 31, 2006 from having to complete a basic harbor master training course.

Enacted law summary

Public Law 2005, chapter 525 requires a person appointed or reappointed a harbor master or a deputy harbor master by a municipality that borders territorial waters after August 31, 2006 to complete a basic harbor master training course within one year after being appointed or reappointed, unless the person has already completed

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such a course. It also provides that the training requirement of a harbor master or deputy harbor master be paid for by the person receiving that training but allows the municipality at its discretion, to reimburse that person for those costs. Public Law 2005, chapter 525 provides that a municipality may require a harbor master or a deputy harbor master obtain training in addition to the basic harbor master training course.